

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

GUIDELINES FOR THE PREPARATION OF DOCUMENTS

(Effective December 1, 1999)

On March 1, 1999, the Court implemented an electronic case files system to capture, store, retrieve, display, process, distribute and manage documents. The electronic record is created by scanning hard copy (paper) documents into image files which are stored in an imaged document data base linked with the court docket. Electronic case file records for the entire district may be accessed by the general public from any clerk's office lobby terminal at the present, and within a few months will be accessible from remote locations via the Internet.

These guidelines are established to supplement the general requirements of form set forth in Local Bankruptcy Rule 9004-1(a). They are intended to streamline the scanning process and enhance the Clerk's ability to timely and efficiently convert hard copy documents to high quality electronic images.

All petitions, pleadings, motions, briefs, and other papers presented for filing on and after December 1, 1999, including proofs of claim presented for filing in cases filed on or after March 1, 1999, should, to the fullest extent possible, comply with the following document standards:¹

(1) Legibility

- (a) Petitions, pleadings, motions, briefs and other papers submitted for filing shall be typewritten, printed, computer generated, or prepared by some other clearly legible process, without erasures or interlining that materially defaces the document, on one side of each sheet only.
- (b) Except as provided in paragraph 4(b), below, document text shall be no smaller than 12 point type set no more than an average of 10 characters per inch. Typefaces

¹ Counsel who regularly practice in this district are expected to comply with these guidelines but pursuant to Federal Rule of Bankruptcy Procedure 5005(a)(1), no document will be refused for filing by the clerk solely because it fails to comply with these guidelines. Repeated failure to comply, however, may result in the imposition of sanctions against counsel.

essentially equivalent to Courier, Times, Helvetica or Letter Gothic are preferred. Proportionally spaced fonts, font sizes smaller than 12 point, and exotic font styles, such as script, may not be legible after imaging and shall not be used. Citations may be italicized or underlined. Italicized text, however, should be used only for emphasis.

- (c) Document text shall be one and one-half spaced or double spaced **except** for the identification of counsel, title of action, category headings, footnotes, quotations, exhibits and descriptions of real property, which may be single spaced.
- (d) No part of any document or form² submitted for filing shall be shaded or highlighted.

(2) Paper

Documents shall be printed in blue-black or black ink on white, letter size (8½ inch by 11 inch), unglazed, opaque, medium weight (20 lb.) xerographic-type paper, with consecutively numbered lines in the left margin. Coated paper, glossy paper, heavyweight paper (greater than 20 lb.), lightweight paper (less than 20 lb.), bond paper, card stock, and onion skin may cause paper jams when scanned and shall not be used.

(3) Assembly

- (a) With the exception of proposed orders presented for filing as separate documents, originals of multi-page documents **SHALL NOT** be fastened with staples or other fasteners that puncture the paper. Originals of all multi-page documents, except proposed orders presented for filing as separate documents, shall be fastened with binder clips.³ Immediately following scanning, the Clerk

² With respect to shading contained in Official Forms, see paragraph 4(a), below.

³ Binder clips are spring-type clips that firmly hold bundles of paper. They are usually made of tempered blue steel, triangular in design, with nickel plated handles that spring up to open and snap down flat against the paper for filing and storage. Because standard wire or plastic paper clips may come loose or get caught on each other, they **SHOULD NOT BE USED**.

shall staple together the pages of original multi-page documents. Original multi-page proposed orders presented for filing as separate documents and copies of all multi-page documents **SHALL** be fastened with staples.

- (b) Originals of documents presented for filing, including proposed orders presented for filing as separate documents, **SHALL NOT** be hole punched. Copies of documents may be hole punched.
- (c) Document pages shall be consecutively numbered at the bottom, and the total number of pages shall be noted in the upper left-hand corner of the first page.
- (d) Nothing sticky (such as tape or adhesive labels) shall extend over the edge of a document page. Likewise, notes (including "Post-it" notes) shall not be taped, stapled, or otherwise affixed to original documents.
- (e) Documents shall not be "blue-backed" or otherwise bound. Transcripts shall be unbound and fastened with binder clips prior to filing.
- (f) Motions, notices of hearing, objections, responses, replies, declarations, affidavits, memoranda of points and authorities, and proofs of service should generally be filed as separate documents, provided, however, that such documents may be combined, subject to the following conditions and limitations:
 - (1) The total number of pages of the combined document shall not exceed 10 pages. If combining separate documents would result in a single document of more than 10 pages, then each related component document must be filed as a separate document.
 - (2) The title of the combined document must be descriptive of its components and contents (e.g. "Motion for _____ Combined with Notice of Hearing Together with Proof of Service Thereof").
 - (3) Except for the first page, each page of a combined document shall bear a footer in the bottom margin that identifies the particular document (e.g. "Motion") within the combined document that the page is a part of.
 - (4) When a combined document includes a proof of service, it must be at the end of the document.
- (g) Subject to (f)(1) and (2) above, proposed orders may be

attached as exhibits to other documents and shall be clearly marked as proposed orders. In all other instances, orders presented for the court's consideration shall be submitted as separate documents.

(4) Caption, Official Forms

- (a) The caption and form of all petitions, pleadings, schedules and other papers shall be in substantial compliance with the Federal Rules of Bankruptcy Procedure and Official Forms. If document preparation software permits alteration of form appearance, Official Forms shall be altered to remove all shading.⁴ Voluntary and involuntary petition forms shall contain a blank space in the lower right-hand corner of the first page measuring at least 2½ inches from the right edge and 3 inches from the bottom edge.
- (b) The names of debtor(s), plaintiff(s), and defendant(s), the bankruptcy case number, and any adversary or miscellaneous proceeding number included in the caption shall be no smaller than 14 point type set no more than an average of eight characters per inch. A blank space measuring at least 2½ inches from the right edge and 3 inches from the top shall be left in the upper right-hand corner of the first page of each document except the petition.
- (c) As required by Local Bankruptcy Rule (LBR) 9014-1(d), all documents related to a matter set on calendar (including any motion, application, notice of hearing, objection, response, reply, declaration, affidavit, memorandum of points and authorities, or proof of service) shall contain in the caption the date, time, and place of the hearing, and the department in which the hearing will be held.
- (d) As required by LBR 9014-1(c), a motion control number shall be included below the case number on all motions and other pleadings. All related pleadings filed by any party (including any notice of hearing, objection, response, reply, declaration, affidavit, memorandum of points and authorities, or proof of service) shall

⁴ Such alteration will have no effect on the information required by the Official Forms and is therefore permitted by Federal Rule of Bankruptcy Procedure 9009.

reference the same motion control number. Motions for relief from the automatic stay and all related pleadings (including the notice of hearing) shall additionally indicate on the face of the document whether the motion was filed pursuant to Part II or Part III of LBR 4001-1.

- (e) The title of every document shall include the name of the party on whose behalf the document is filed, the type of pleading (response, reply, counter motion, etc.), the specific relief sought, and the filing date and name of the pleading it was filed in response to, if any (for example: Debtor A's Response to Creditor Y's January 12, 1999 Motion For Relief From The Automatic Stay). The document title shall be placed just below or to the right of the caption on the first page of the document, and may be in bold-faced print and/or underlined.
- (f) The voluntary petition and any schedules, statements, lists and other documents filed with it shall be assembled in the order set forth in form EDC 2-035, Filing Requirements.
- (g) Questions 16 through 21 may be omitted from the Statement of Financial Affairs (Official Form 8) filed by individual debtors who are not and who, within the two years immediately preceding the filing of their cases, have not been any of the following: an officer, director, managing executive, or person in control of a corporation; a partner, other than a limited partner, of a partnership; a sole-proprietor or self-employed. The Statement of Financial Affairs filed by an individual debtor electing to omit these questions shall include a statement to the effect that the debtor is not and has not been "in business" as that term is defined in the Statement of Financial Affairs and that questions 16 through 21 are, therefore, inapplicable.

(5) Exhibits To Pleadings And Papers

- (a) Exhibits to pleadings and papers shall be filed separately from the documents to which they relate whenever the total number of exhibit pages exceeds 20. Exhibits filed separately shall be captioned and bear the title "Exhibits to [title of the document to which they relate]." The total number of exhibit pages shall be indicated in the upper left-hand corner of the caption page.
- (b) Index tabs and/or divider sheets, whether tabbed or not,

shall not be used to identify or separate exhibits. Each page of an exhibit shall be identified at the bottom by exhibit number and page number of the total pages of the particular exhibit (for example: Exhibit A - Page 1 of 4).

- (c) Exhibits larger than 8½ inches by 14 inches shall be reduced in size prior to filing. Duplexed exhibits shall be copied and filed as separate pages.

POINTS TO REMEMBER WHEN PREPARING DOCUMENTS

(Numbers refer to areas in the attached Sample Document.)

- ì With the exception of proposed orders presented for filing as separate documents, **DO NOT** fasten the pages of original multi-page documents together with staples; fasten them together with binder clips instead. Fasten together the pages of original proposed orders presented for filing as separate documents and the pages of all document copies with staples.
- í Note the total number of pages in the upper left-hand corner of the first page.
- î **DO NOT** two hole punch original documents; copies may be two hole punched.
- ï Leave a blank space measuring at least 2½ inches from the right edge and three inches from the top in the upper right-hand corner of the first page.
- ð Names and case numbers in captions should be no smaller than 14 point, set no more than an average of eight characters per inch.
- ñ Include the name of the party on whose behalf a document is filed, the type of document, and the filing date and name of the document was filed in response to, if any, in the title; titles of combined documents should be descriptive of their components and contents. For the conditions and limitations with respect to combined documents, see Guideline 3(f).
- ò Use standard typefaces; Courier and Letter Gothic are preferred. Text should be no smaller than 12 point, set no more than an average of 10 characters per inch. Text should be italicized for emphasis only.
- ó Document text should be one and one-half spaced or double spaced EXCEPT for the identification of counsel, title of action, footnotes, quotations, exhibits and real property descriptions, which may be single spaced. **DO NOT** highlight or use shading.
- ô Number pages consecutively at the bottom.

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 Address
 2 City, State Zip Code í
 Telephone

3 Attorney for Debtor ï

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 5 UNITED STATES BANKRUPTCY COURT
 6 EASTERN DISTRICT OF CALIFORNIA
 7 SACRAMENTO DIVISION
 8

9 IN RE:) Case No.: 99-88888-A-7
) Chapter 7
 10 ð JANE DOE,) Motion Control No. JHS-1
)
 11) Date: August 18, 1999
) Time: 2:00 p.m.
 12 _____ DEBTOR.) Place: Courtroom 27, Dept. A
 13 501 I Street, 7th Floor
 Sacramento, CA 95814

14 ñ DEBTOR JANE DOE'S RESPONSE TO CREDITOR XYZ CORPORATION'S
JULY 20, 1999 MOTION FOR RELIEF FROM THE AUTOMATIC STAY
 15 COMBINED WITH PROOF OF SERVICE THEREOF

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